

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

JERMAINE SPENCE,

Petitioner,

VS.

**GEORGIA DEPARTMENT OF
BEHAVIORAL HEALTH, et al.,**

Respondents.

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No. 4:21-cv-00117-CDL-MSH

ORDER

Pro se Petitioner Jermaine Spence has filed an Application to Proceed in District Court Without Prepayment of Filing Fees or Costs (ECF No. 11) concurrently with his Notice of Appeal (ECF No. 10). Accordingly, the Court construes the Application as a Motion for Leave to Appeal *in forma pauperis*. By Order dated October 18, 2021, the Court adopted the recommendation of the United States Magistrate Judge and dismissed Petitioner's federal habeas petition. ECF No. 8. In that same Order, this Court also adopted and reaffirmed the Magistrate's finding that the Petitioner had failed to make a substantial showing of the denial of a constitutional right and denied a certificate of appealability ("COA"). *See id.* Because this Court has found that Petitioner is not entitled to a COA, his motion to proceed *in forma pauperis* on appeal (ECF No. 11) is **DENIED as moot.**

SO ORDERED, this **10th** day of **November, 2021.**

S/Clay D. Land

CLAY D. LAND, JUDGE

UNITED STATES DISTRICT COURT